



- I. Thank the HOA for coming and the great turnout. Not a popular topic but one we have to deal with. Spoke once before with some generalities, but I have more specifics tonight.
- II. Refresher, update on the watershed process. NOT JUST PROSPECTOR. Prospector is a lower priority, but we still want closure.
  - A. three pathways - soil is one
    1. describe risks from elevated levels of metals in soils (arsenic, lead)
      - a) pathway
      - b) uncertainties
        - (1) How much contamination in the soils is too much?
        - (2) How much soil is taken into the body of kids? For adults?
        - (3) How does an "average" child behave? What about more sensitive people?
        - (4) How much contamination makes its way into the body? That is, what is the bio-availability?
        - (5) What are the effects once that contamination makes its way into the body? Can you prove what caused the effect? Can you measure what makes it into the body?
  - B. within soils - three starting conditions
  - C. therefore, slightly different role - verification vs. investigation or cleanup
- III. I'll start with the negative things first.... Why is EPA revisiting Prospector the landscaping ordinance in general? Many reasons.... I've said many times that EPA is generally happy with the Ordinance, and I stand by that. Given how things degraded in the 80s, we were happy to get something done to protect human health. And we don't expect to find a health problem. But we did, and still do, have issues with the ordinance that have prevented us from fully endorsing it and closing the book.
  - A. The first reason, and the most important, is that we left the waste in place. If we could have removed it, or treated it, then we could virtually walk away. But we didn't. The reasons now don't matter - it may have never been practical. The bottom line is there is still toxic material in some cases inches below the ground surface in Prospector. When you leave toxic material in place, it requires long-term maintenance and monitoring to ensure it stays isolated. In Superfund cleanups when waste is left in place and much more elaborate systems are used than a simple soil cover, five year reviews are required. There are no provisions in the landscaping ordinance for periodic monitoring or maintenance. Basically, once a home is in compliance it is assumed ok for the long haul. We want to explore ways to prove the ordinance stays protective over the long-term.
  - B. The second reason is the nature of the ordinance. Face it folks, six inches isn't a lot of dirt between you and something that's been proven by many researchers, most outside of EPA, to cause mental defects in children and cancer in adults. Would you say it was ok if EPA proposed to bury a load of strychnine six inches below your yard? What about asbestos? Dioxin? Acid? Well, arsenic is a proven cancer causing material and it can kill. Everyone knows the potential effects of lead. So EPA cannot dismiss the fact that this waste is very close to ground surface and you shouldn't either. The purpose of the six inch cover is to put a barrier between you, your pets, and your children and the waste below. Six inches,

if completely left alone, is enough. It breaks the exposure pathway. But unfortunately, the six inch cover isn't permanent or never changing. Six inches of soil can be compacted by as much as 50% to only three inches. Six inches of soil is routinely compromised by normal landscaping activities, such as planting trees, installing sprinklers, tilling, etc. In dry environments, metals can leach upward in the soil, migrating closer to the surface. All of these are questions that have never been answered for Prospector. In general, EPA prefers soil caps that are 12-18 inches thick and we require they be monitored and managed. Neither happened here, so we want to find ways to include maintenance/review mechanisms in the provisions of the ordinance.

- C. The ordinance was never mandatory, leaving unanswered questions and unsampled properties through the area. At my last count, there were about 80 properties remaining that have never been sampled or remediated. That is enough to constitute a Superfund Site in and of itself. While great progress has been made, EPA can't walk away from the site and give complete closure until the entire area is addressed - not just most of the area. We want to explore ways to get 100% compliance.
- D. Lastly, we would like to prove the ordinance was effective in terms of human health. Anytime you take an action, especially one that hasn't been proven to be effective, you should make sure it worked as you intended it to. EPA normally doesn't make decisions based on one single blood lead study, as was conducted in the 1980s. Contrary to popular opinion, we don't consider that study to be concrete evidence that there were no health impacts. It was positive/good news, but it had shortcomings. A similar, but more comprehensive, approach was used in Aspen Colorado. We would like to explore options for getting additional evidence that there is no longer, or never was, a health problem.

**IV. What are we seeking?**

- A. Same as you - closure and an end, or extreme limitation, of EPA's future involvement.
- B. What does closure mean?
  - 1. It doesn't mean everyone completely stops worrying about it and no other actions have to be taken.
  - 2. It means taking the site off the Superfund database, and limitation of future EPA involvement.
  - 3. It does not mean that if things greatly change, or new information comes to light, that we can't revisit it. We never make that promise, because it could put people's health at risk.

**V. How do we want to do it?**

- A. All work through stakeholders group.
- B. Soils work group with three sub-groups, one to discuss Prospector & the ordinance.
- C. Extensive community outreach, education, and feedback. 100% is the goal.
- D. What are likely outcomes in EPA's eyes?
  - 1. Possible changes in real estate disclosure statements
    - a) Better community awareness of issues

2. Possible changes in Ordinance
  - a) Periodic Reviews?
    - (1) Any reported health issues?
    - (2) Random/mandatory verification of cover thickness
    - (3) Define reporting requirements to EPA
3. Seek ways to ensure 100% compliance
4. Possible well-designed health/physical conditions study to ensure ordinance is effective - could include voluntary blood lead studies and environmental sampling - could be city wide

SOLICIT suggestions and questions.

How to involve people? 3 way agreement  
How to comply?

- FACT SHEET →
  - WEB SITE →
  - HEALTH GUIDE
- } Feedback  
Mailing Lists